


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

FILED
2008 OCT -7 PM 4:15
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

ALEJANDRO HERNANDEZ,
Plaintiff,

v.

THE CITY OF EL PASO, et al.,
Defendants.

§
§
§
§
§
§
§

EP-08-CV-222-PRM

SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, the Court issues the following Scheduling Order. Any changes to the dates below will only be granted by leave of Court and following the consideration of an appropriate motion. However, a change in any deadline contained herein will not extend any other deadlines unless those deadlines are specifically extended by order of the Court.

Pursuant to 28 U.S.C. § 636(c)(1), all full-time Magistrate Judges are authorized and empowered to try any civil case, jury or non-jury, with the consent of all parties to the law suit. Because of the crowded condition of the criminal docket in this Division and the difficulty in reaching civil cases for trial, you may wish to consent to trial by a United States Magistrate Judge.

If you wish to consent to trial before a Magistrate Judge, please notify the Court by traditionally filing notice of consent as soon as possible. Your consent to trial by a Magistrate Judge must be voluntary, and you are free to withhold consent without suffering adverse consequences. If all parties consent to trial of this case by a Magistrate Judge, the Court will enter an order transferring the case to a Magistrate Judge for trial and for entry of judgment. If the case has already been referred to a Magistrate Judge for pretrial matters and the parties consent to trial by a Magistrate Judge, the trial will be before the Magistrate Judge already assigned to the case.

1. **October 15, 2008** A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed with the Court.
2. **November 6, 2008** The parties asserting the claims for relief shall submit a written offer of settlement to opposing parties. Each opposing party shall respond, in writing, no later than **November 20, 2008**.
3. **November 6, 2008** The parties shall file all motions to amend or supplement pleadings or to join additional parties with the Court. Any response to an amended pleading shall be filed within the longer of either the time remaining for response to the original pleading or ten (10) days after service of the amended pleading.
4. **January 30, 2009** All parties asserting claims for relief shall **FILE** their designation of testifying experts with the Court and shall **SERVE** on all parties, but

not file, the materials required by Fed R. Civ. P. 26(a)(2)(B). All designations of rebuttal experts shall be filed within fifteen (15) days of receipt of the report of the opposing expert.

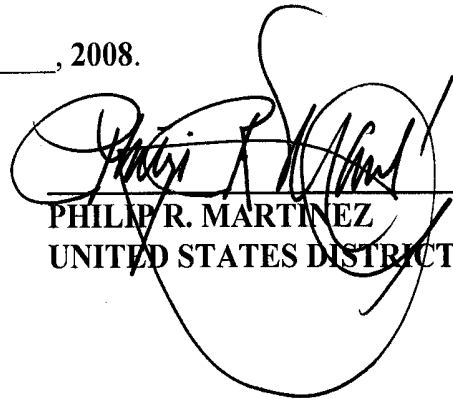
5. **March 6, 2009** Parties resisting claims for relief shall **FILE** their designation of testifying experts with the Court and shall **SERVE** on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B). All designations of rebuttal experts shall be filed within fifteen (15) days of receipt of the report of the opposing expert.
6. An objection to the reliability of an expert's proposed testimony under Fed. R. Evid. 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within twenty (20) days of receipt of the written report of the expert's proposed testimony, or within twenty (20) days of the expert's deposition, if a deposition is taken, whichever is later.
7. **April 6, 2009** The parties shall complete all discovery. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.
8. **May 6, 2009** The parties shall file all discovery-related motions.
9. **April 6, 2009** All motions to continue the trial date shall be filed. Any such motions shall include detailed grounds for the requested delay and shall note the number and dates of prior motions to continue the trial date that the Court has granted.
10. **March 2, 2009** All dispositive motions shall be filed. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to ten (10) pages in length.
11. **June 8, 2009** The parties shall conclude the dispute resolution process they have selected. The parties shall have arranged for either mediation services or a moderated settlement conference through Texas Arbitration Mediation Services, Inc., 221 N. Kansas, Ste. 609, El Paso, Texas 79901, or through any other entity and/or individual mediator agreed to by the parties.
12. **June 22, 2009** The parties shall file a report indicating that they have complied with the dispute resolution process requirement, a notice of outcome, the method of ADR, and whether the case has settled.

13. May 29, 2009 at 9:00
am

This case is set for **JURY SELECTION AND TRIAL** in Courtroom Number Two, on the First Floor of the United States Courthouse, 511 E. San Antonio, El Paso, Texas. Notwithstanding the provisions of Local Rule CV-16(e), each party must serve and file the information provided for in Local Rule CV-16(e) at least twenty-one(21) days before the scheduled date for trial or the final pretrial conference—whichever is first.

14. Counsel are ordered to file a written motion of any conflict with the above scheduled trial date within ten (10) days of the date of this order. Failure to comply with this requirement will waive any continuance based upon a conflict in trial schedules.
15. If the parties reach a settlement or otherwise resolve the case, the parties must promptly notify the Court.

SIGNED this 7th day of October, 2008.



PHILIP R. MARTINEZ
UNITED STATES DISTRICT JUDGE